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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,650	02/13/2004	Ma-Li Wang	63349.00002	5617
7590 12/15/2004				
Mr. William F. Nixon SQUIRE SANDERS & DEMPSEY LLP 14th Floor 8000 Towers Crescent Drive Tysons Corner, VA 22182-2700			EXAMINER JOHNSON, JERROLD D	
			ART UNIT 3728	PAPER NUMBER

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,650

Applicant(s)

WANG, MA-LI

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9,10 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,11 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention: Figs. 2-4; Figs. 5 and 6; and Figs. 7 and 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 11 generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the

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inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. William F. Nixon on November 19, 2004 a provisional election was made with traverse to prosecute the invention of Figs. 7 and 8 claims 1-3,6-8,11, and 15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4,5,9,10, 12-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

The drawings are objected to because of an inconsistency between the bottom view of Fig. 7 and the previous side views. The bottom view shows the entire support piece disposed within the perimeter of the base of the bag, whereas the side views show the support piece extending beyond the perimeter so as to allow the attachment of the leg. Additionally, the specification refers to element 411 which is not shown in Figs. 7 or 8.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the

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brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: It appears that claim 7 should recite "first" instead of "second." Appropriate correction is required.

Claim 2 positively recites an intangible element, which is the "opening". The opening needs to be set forth in the claim by the structure which defines it.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 6-8, 11 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Cheng.

Cheng discloses a golf bag sustained with leg means comprising a bag body; a base mounted at the bottom of the bag body and having a flat surface portion, an anchored portion, and an inclined plane portion; and a support piece detachably mounted at the bottom of the base. The support piece comprises a sheet and a pair of opposing first fastening portion and second fastening portion formed on the sheet, wherein the first fastening portion is assembled with the leg means, and the second fastening portion is coupled to the anchored portion, so as to support the golf bag up by means of the assembled leg means and support piece.

With respect to claim 2, the anchored portion is a parallelogram-shaped opening. Note that the recess within which the second fastening portion is defined by two pairs of opposing parallel edges.

With respect to claim 3, note that the anchored portion comprises symmetrical openings.

With respect to claim 6 and 7 see Figs. 9, which shows the first recess, and Fig. 11, which shows the second recess.

With respect to claim 8, note the thin sheet from which the sheet is manufactured. The thin sheet includes flanges (not numbered) on which fasteners 251 are disposed. The flanges would need to be deformed inwardly for the fasteners 251 to be retained within the opposing symmetrical openings. The material used in the sheet would deform under load within the elastic range to accommodate this assembly. Note column 2 line 24-32 which describes this assembly.

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With respect to claim 11 note hollow portions (slots) in the sheet.

With respect to claim 15, note that the claim does not define "elastic material." All materials, even brittle ones, will deform to some extent elastically under load. Clearly, the support piece of Cheng will deform elastically under use.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reimers US Patent 5,762,189 and Su 6,598,889 both show flexible support plates. Feng US 2004/0079659 shows symmetrical openings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Mickey Yu  
Supervisory Patent Examiner  
Group 3700